

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PATTY HOPSON,  
Plaintiff,

v.

CARPENTERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA,  
Defendant.

Case No. 13-cv-04723-JST

**ORDER VACATING ORDER TO SHOW  
CAUSE; ORDERING PLAINTIFF  
PATTY HOPSON TO COMPLY WITH  
THE COURT'S ORDERS**

Re: ECF No. 30.

Plaintiff Patty Hopson, who represents herself, filed this action in Alameda County Superior Court on January 30, 2013, and served Defendant Carpenters Pension Trust Fund for Northern California on September 12, 2013. ECF No. 1. Defendant removed the lawsuit to this court on October 10, 2013, asserting that federal jurisdiction is appropriate because Plaintiff's claims arise under a federal law, the Employee Retirement Income Security Act ("ERISA"). Id.

This court ordered the parties to file the Alternative Dispute Resolution ("ADR") certification required by Civil Local Rule 16-8(b), and to file either a stipulation to an ADR Process or a notice of need for an ADR phone conference. October 10, 2013 Order Setting Initial Case Management Conference and ADR Deadlines (ECF No. 2). The court set specific deadlines for compliance with these orders, which passed in January 2014. Id. The court also ordered the parties to file a joint case management statement by March 12, 2014, and to attend a case management conference on March 26, 2014. January 16, 2014 Clerk's Notice Setting Case Management Conference (ECF No. 20).

Plaintiff Hopson did not comply with any of these orders. Accordingly, the Court issued an Order to Show Cause. May 6, 2014 Order to Show Cause Why Complaint Should Not Be Dismissed with Prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure (ECF No. 30). Plaintiff Hopson responded to the Order to Show Cause in writing, stating that she had

missed her court appearance because of medical issues. May 19, 2014 letter (ECF No. 33).

Accordingly, the court hereby VACATES the Order to Show Cause, and will not dismiss the complaint with prejudice at this time. Instead, the court will provide a final opportunity for Plaintiff to comply with this court's orders. The court hereby orders as follows:

- Plaintiff is ordered to file the ADR certification required by Civil Local Rule 16-8(b) by or before June 18, 2014.
- Plaintiff is ordered to file either a stipulation to an ADR process, or a notice of need for an ADR telephone conference, by or before June 18, 2014.
- Plaintiff is ordered to file a case management statement by or before June 18, 2014. She may file a statement jointly with Defendant, or she may file her own statement. The statement must contain the information described in the "Standing Order for All Judges of the Northern District of California." In addition, the court orders Plaintiff to address one additional issue in her case management statement: she must explain whether the claims in this lawsuit, filed on January 30, 2013, are different than the claims in the lawsuit she filed against Defendant in Alameda Superior Court on April 21, 2014. Both of these lawsuits are now pending before this court. Plaintiff must explain whether she would oppose consolidating both of these lawsuits into the same case.
- Plaintiff is ordered to attend the case management conference, which is scheduled for June 25, 2014, at 2:00 P.M., Courtroom 9, 19th Floor, 450 Golden Gate Avenue, San Francisco. In Plaintiff Hopson's letter, she stated that attending hearings and conferences in San Francisco would pose a financial burden on her. Plaintiff Hopson may request to appear at the case management conference by telephone. If she wishes to appear by telephone, she must send a written request by or before June 18, 2014, and she must provide a direct-dial telephone number at which she can be reached between 2:00 P.M. and 4:30 P.M. on the date of the conference.

For Plaintiff's convenience, the court has attached to this order the following documents:

- A copy of Civil Local Rule 16-8, which describes Plaintiff's obligations to participate

1 in Alternative Dispute Resolution.

- 2 • The Standing Order for All Judges of the Northern District of California, which
- 3 describes the required contents of the case management statement.
- 4 • The undersigned's standing order in civil cases.

5 Since Plaintiff Hopson is proceeding *pro se*, the court refers her to helpful information for

6 *pro se* litigants, including the court's *pro se* handbook, which is available on the Northern

7 District's website at <http://www.cand.uscourts.gov/proselitigants>. Plaintiff may also wish to make

8 an appointment with the free Legal Help Center operated by the Bar Association of San Francisco.

9 The Legal Help Center's phone number is 415-782-8982 and further information is available at

10 <http://www.cand.uscourts.gov/helpcentersf>.

11 If Plaintiff does not comply with this order, the Court is very likely to dismiss this action

12 with prejudice, which means that she will not be allowed to pursue these claims any further.

13 **IT IS SO ORDERED.**

14 Dated: June 4, 2014

15   
 16 JON S. TIGAR  
 17 United States District Judge

United States District Court  
 Northern District of California